

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEBBIE A. ROSE,

No. 10-CV-4370 CW

Plaintiff,

v.

ORDER DISMISSING  
ACTION AGAINST  
DEFENDANT BROOKS  
AMERICA MORTGAGE  
AND CLOSING CASE

BROOKS AMERICA MORTGAGE CORPORATION;  
HOMECOMINGS FINANCIAL, LLC.; AURORA  
LOAN SERVICES, LLC.; MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC.; QUALITY LOAN SERVICE  
CORPORATION,

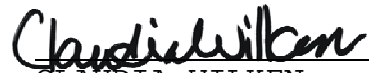
Defendants.

In the present action, the claims against three of the five Defendants have been dismissed. The fourth Defendant, Quality Loan Service Corporation, has filed an unopposed "Declaration of Nonmonetary Status," pursuant to California Civil Code § 29241, Docket No. 41, and, thus, is no longer required to participate in this action. Brooks America Mortgage Corporation appears to be the sole remaining defendant. Under Federal Rule of Civil Procedure 4(m) a defendant must be served summons within 120 days after the complaint is filed. Here, the name of the person served --Mark Sanger--does not match the agent for service of process designated on the California Secretary of State website, and the Sanger, California address for Brooks America Mortgage Corporation

1 indicated on the proof of service does not match the Irvine,  
2 California address provided on the summons. Plaintiff's action  
3 against Brooks America is dismissed without prejudice for failure  
4 of proper service. The clerk shall close this case.

5  
6 IT IS SO ORDERED.

7  
8  
9 Dated 8/9/2011



CLAUDIA WILKEN  
United States District Judge